

respectfully traverses this rejection.

Although Bateman teaches the ability of a user, connected by the World-Wide-Web to a web server, to request telephone help by initiating, from the web page, a telephone call back request, the system of Bateman et al. lacks many of the claimed elements of the present invention. Moreover, applicant urges that the missing elements are not shown, disclosed or even suggested by the prior art cited by the examiner. Further, the elements missing from the cited references are significant and go to the heart of the present invention.

For example, the examiner correctly states in paragraph 2 on page 3, that both Bateman and Grossman fail to teach redialing a busy telephone number. This is quite accurate. An important part of the present invention is the realization that it is extremely important to the host of a web site to be able to contact a user as quickly as possible after their request. Indeed, the present invention alone claims and discloses the realization that it is imperative to contact the requesting party immediately after the request has been made. This need to contact the requesting party immediately is the result of the novel realization, by the present inventor, that since the highest probability of successfully

contacting the party requesting a call back is as close as possible to the time that the call back is requested, a system must therefore be designed to facilitate the immediate call back of the requesting party, without delay. Further, given the present invention's realization that often the requesting party will be utilizing its telephone line to access the web server, and therefore a busy indication meaning that the user is still near the telephone but accessing the World-Wide-Web, there is a motivation to develop the system of the present invention which attempts to call the requesting party back on an ongoing basis immediately after the call back request even though the line is busy.

In the cited prior art such as, for example, Srinivasan, this reference, and that of the Nichols reference, teach periodically (not immediately) and for a finite number of times (three times in the case of Nichols), retrying a busy telephone line. This is hardly a teaching, much less a suggestion, of immediately and generally continuously trying to call a requested party if the line is busy. Since neither of these references teach the problem identified by the present invention, it cannot be said that there is a motivation to solve that problem in the cited references.

In re: Malcom B. Strandberg
Filed: April 9, 1998
Serial No.: 09/057,749
Page 4

Accordingly, since the cited references fail to identify the problem as stated in the present invention, there is no motivation to address the issues raised in the present invention and recited in the claims as presented. Therefore, applicant urges that claims 1, 3-6, and 8-14 are allowable over the cited references.

The examiner next rejects claim 2 under 35 USC 103(a) as being unpatentable over Bateman et al. in view of Grossman et al. and Srinivasan as applied to claim 1, and further in view of Szlam et al. Applicant traverses this rejection. Applicant urges that claim 2 should be allowable as dependent upon an allowable independent claim. Further, the system of claim 1 is not disclosed and made obvious by the cited references. Therefore, the inclusion of the system of claim 1 with a "call pacer that paces dialing of said telephone numbers" further defines a system, which is not taught or made obvious by the prior art. Accordingly, applicant believes claim 2 is in condition for allowance.

The examiner next rejects claims 1 and 10 under 35 USC §103(a) as being unpatentable over Dezonno et al. in view of Srinivasan and Nichols et al. Applicant traverses this rejection. Applicant's previous remarks in connection with the Srinivasan and

Nichols patents are incorporated herein.

Regarding the Dezonno et al. reference, the examiner is correct in that this reference does not teach many of the features of the presently claimed invention including the fact that the system provides "a telephone call back to an inquiring party telephone connected to a telephone line that is being used to access a computer network".

Further, the cited references do not teach that since the inquiring party is utilizing a telephone line to access a computer network and a call back must be made to a telephone connected to the same telephone line. Therefore, there is no disclosure or suggestion in Dezonno et al. or the other cited references to (a) immediately dial back the inquiring party and (b) make the call back immediate and continuous as long as the telephone line is busy, indicating that the inquiring party is still near the telephone connected to a telephone line, but may be accessing the computer network via that telephone line.

Accordingly, applicant respectfully suggests that the cited references do not disclose nor make obvious the presently claimed invention as recited in independent claims 1 and 10. As mentioned earlier, the additional combined reference of Srinivasan and

In re: Malcom B. Strandberg
Filed: April 9, 1998
Serial No.: 09/057,749
Page 6

Nichols also do not provide any motivation for solving the problem solved by the present invention and therefore, no disclosure nor motivation to modify or combine any of their systems to form the presently claim invention.

In conclusion, applicant urges that all of the pending claims are in condition for allowance over the cited art.

The examiner is invited to telephone the undersigned, applicant's attorney of record, to facilitate advancement of the present application.

Respectfully submitted,

Malcom B. Strandberg

By


Daniel J. Bourque
Registration No. 35,457
Attorney for Applicant(s)

BOURQUE & ASSOCIATES, P.A.
835 Hanover Street, Suite 303
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 4 - 20 - 98